



**SPECIAL COMMON COUNCIL MEETING
FEBRUARY 4, 2013
6 P.M.**

Special Meeting The Special meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, February 4, 2013 at 6 p.m.

Present Deputy Mayor Robert P. Santangelo and Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Hope Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, Todd G. Berch, and Deborah Kleckowski; Sergeant-at-arms Police Chief William McKenna, and Common Council Clerk Marie O. Norwood.

Absent Mayor Daniel T. Drew, and Corporation Counsel Daniel B. Ryan.

Also Present Public Works Director William Russo, Finance Director Carl Erlacher, Director of IT William Oliver, Planning, Conservation, and Development Director William Warner, Water and Sewer Director Guy Russo, Parking Director Geen Thazhampallath, City Attorney Brig Smith, Deputy City Attorney Kori Wisneski, Acting Personnel Director Kathy Morey, Chief of Police William McKenna, Recreation Supervisor Deb Stanley, Tax Assessor Damon Braasch, Fire Chief Gary Ouellette, Director of Communications Wayne Bartolotta, Director of Human Relations Faith Jackson, Director of Health Joseph Havlicek, MD, Arts Coordinator Stephan Allison, City and Town Clerk Sandra Driska, Emergency Management Director Bruce Driska, Russell Library Director Arthur Meyers, Joseph Samolis Administrative Aide to the Mayor and 3 members of the public.

Meeting Called to Order The Acting Chair, Deputy Mayor Robert P. Santangelo calls the meeting to order at 6:04 p.m.

Call of Meeting Read The Call of the meeting is read and accepted. The Acting Chair declares this call a legal call and the meeting a legal meeting.

Chair apologizes for not having recited the Pledge of Allegiance and asks the City Attorney to lead the public in the pledge of Allegiance.

Workshop Opens The Acting Chair opens Questions to Directors workshop at 6:05 p.m.

The Acting Chair, Deputy Mayor Santangelo states he has a question of the Fire Chief. He asks about the hazmat suits and can you explain that. Chief Ouellette responds the appropriation is for the Hazmat Team and for the equipment they use. The stuff is outdated or was used up at one of the incidents. They are waiting for insurance money from claims and they had an incident and couldn't fulfill it because they are down on equipment. The suits they are looking at, they do not have a shelf life and they can be recertified and if so, we will be fine.

Councilman Serra is recognized and asks to address questions to the City Attorney.

The Acting Chair asks City Attorney Smith to come forward. Councilman Serra asks about the ordinance relative to the merger of the Personnel and Legal Department. The meeting it was brought up at, there was a question that it would be illegal or improper. He would like advice on the legality of this. Attorney Smith states he heard that question raised and he doesn't see it. It is new to Middletown but not other towns. He explains that Human Resources reported to him as City Attorney in Lansing. We are doing it already whether you move it physically or by paper; we are working hand in hand. Councilman Serra states there is no conflict relative to Charter, ordinances or State Statute. Attorney Smith responds no.

Councilman Pessina asks him to explain how the employees can bring grievances; will it go to the Assistant City Attorney to handle it. What does the Position of Human Resources Specialist play. The City Attorney responds largely what she does now. Grievances, they will be fire wall that and Step 1 will be handled by Ms Morey. The first instance, it is counseling and not an actual termination. Councilman Pessina states it has employees at heart. He wants to make sure we don't skip a beat and if needs be the job description needs to be looked at to tweak it that there is a clear line and the Assistant City Attorney is at your beck and call to help her. Attorney Smith replies to the extent to make tweaks to job descriptions, we have thought of that. This is the first shoe and one of the things we will tweak is her title. Personnel is outdated terminology and today, it is called Human Resources. Properly it has to come

to the Council and the thought would be to bring this forward for tonight and it will dove tail with the second piece. Looking out for employees is what personnel does; if it escalates then you look at bargaining agreements and attorneys would get involved.

The Acting Chair asks for other questions for this director.

Councilwoman Kleckowski asks if this is a placement thing, do you expect the department's city job descriptions to come back for review and who does the Human Resources person report to. Attorney Smith responds yes, they are looking at that and rewriting the Office of General Counsel and that is what we are looking to do and the report would be to the City Attorney or General Counsel

Noted for the Record

Councilman Berch takes his seat at 6:15 p.m.

Councilwoman Kleckowski asks if you thought about, instead of one person, having two people to do administrative work and do I assume Risk Management would report to the City Attorney. Attorney Smith replies that is correct. Councilwoman Kleckowski asks if there would be a paralegal to help with administration. Attorney Smith states the organizational chart coming out shows two people. Councilwoman Kleckowski asks if he will come to the Personnel Review Commission or the Council with that. Attorney Smith responds you read my mind.

Councilman Serra states as we discussed in Finance, you will think of the legislative oversight with that. I believe Personnel Review, Ordinance Study, and the Insurance and Claims, those are three commissions, should they be together or two of them together.

Attorney Smith responds they will continue to give it thought; it is a great question. The City Attorney touches everything and it will be a good debate to have, what is the best structure for oversight, and he is looking forward to that thought.

Noted for the Record

Councilman Klattenberg takes his seat at 6:18

Councilwoman Kasper states there is the Personnel Review Commission, Ordinance Study, and Insurance and Claims and they are independent of each other. Insurance and Claims does a lot including settling before it goes to Court and should be left separate from the other two. Personnel Review is personnel and job classifications and someone suggested a paralegal and the Administrative Assistant be specific for the Personnel Department and what they did in the past. There is a person there now. She would like the attorney to look at that and the last committee is Ordinance Study and I feel they should be separate.

The Acting Chair asks for other questions.

Councilman Serra states it is not on the agenda and the grand list was in the mail box and he would like to ask one question of the director. Damon Braasch, Tax Assessor comes forward. Councilman Serra states this is somewhat good new. a .002 loss. Mr. Braasch replies yes, 2/10ths of a percent. Councilman Serra asks about impact; Mr. Braasch replies it is as close to a flat grand list that we can get. Councilman Serra states we have to make up a quarter of a million. Mr. Braasch states we give you the numbers and it is based on the current mill rate. The Chair asks if there are further questions. Councilwoman Kasper asks what the \$250,000 is; Mr. Braasch responds that is the tax dollars.

Councilman Serra asks for Director of Water and Sewer, Guy Russo. Mr. Russo states they are pleased to report that Friday at noon a letter was signed with the Mattabassett District depositing the \$13 million fee to the District. He states it is until June 30; Attorney Smith states it is the 28th. Mr. Russo states they have to finish their process and the board officers will recommend the change to the Charter and each town will vote and adopt the change by June 28, 2013. Councilman Serra asks when they will join the Board. Mr. Russo responds at the time all members vote to change the Charter and include the formula and membership. Councilman Serra comments finally after 19 years. Mr. Russo responds he hopes the next project will go faster.

Councilman Serra asks for Carl Erlacher, Finance Director. He states for the public, we need to clarify what was in the Press. He states a fund balance of \$169 million. Mr. Erlacher replies it is \$16.9 Million. Councilman Serra states that is without the appropriations we have done this year. Mr. Erlacher replies and for tonight.

Councilwoman Kasper asks Mr. Erlacher on the agenda, a \$10,000 appropriation request for the Planning, Conservation, and Development Department for the International Lubricants from the general fund. Mr. Erlacher states he believes it is from the general fund and Councilwoman Kasper asks

why. Mr. Erlacher responds you need to ask an Economic Development Committee member. Mr. Warner comes forward and Councilwoman Kasper states she thought it was coming from EDC and not the general fund. Mr. Warner responds we are already giving a substantial benefit through Economic Development and they are getting two free years of rent and \$75,000 to \$100,000 for lead and asbestos abatement and when he went to the Economic Development Committee, they said come through the general fund. Councilwoman Kasper asks if money is in the general fund. Mr. Warner replies there is \$50,000 to \$60,000. He states the Economic Development Committee said to go from the general fund. Councilman Daley states he forgets the discussion. Did this come back to us. Mr. Warner responds we are paying the moving expenses. Councilman Daley replies it won't be given until the move is complete. Mr. Warner states it is a reimbursable grant and they will show us the expenses to be reimbursed. Councilman Daley asks if they take it from the fund, it will limit us to assist other companies. Mr. Warner replies exactly. They will come here and have their equipment and will probably pay on their personal property and it will be the \$10,000.

Councilman Berch states you stated the \$10,000 for aid in moving this company. What was the amount for lead and asbestos abatement. Mr. Warner responds he will hope \$75,000 to \$100,000. Councilman Berch states we are giving them two years free rent. Mr. Warner replies two were approved by the Council. Councilman Berch asks how much is that. Mr. Russo states roughly \$120,000. He also comments they were creating 35 to 50 jobs when they come. Councilman Berch asks how long to recoup the \$200,000 to the general fund. Mr. Warner states he has the whole analysis and if you want to table it, it is not a rush. Councilman Berch states we want to create an economic development environment and have companies move here. Mr. Warner states the actual manufacturing equipment is tax exempt and to recoup it would be a long time. What is attractive is the jobs they will bring. Councilman Berch states Remington Rand is an incubator and will the company grow and will they move out or will this be permanent. Mr. Warner states they want to make that their home. Councilman Berch states we have no documentation and we are making a significant investment and in a certain amount of time, they can go somewhere else. Do they have to stay here for time certain. Mr. Warner replies they have to sign a lease. Councilman Berch states what is the lease term. Mr. Warner replies it is \$4 per sq. ft. Councilman Berch states, the years of the lease. Mr. Warner replies for five years.

Councilman Pessina asks Mr. Warner you said the city is making a \$200,000 investment. Mr. Warner responds the City is giving the company two years free rent out of the five, roughly \$60,000 per year. The lead and asbestos and it will be \$100,000. Councilman Pessina asks who is paying that. Mr. Warner responds the City. Councilman Pessina asks why is this coming from the general fund and not the Economic Development fund. We have to be frugal with appropriations over the next six months. I would much rather see this coming from the Economic Development Fund which is supposed to be used for this type of thing and if you need additional funds, then you come back. We have been told we need to be frugal and watch the next six months. He continues \$10,000 doesn't sound like a lot, but the public sees it. Mr. Warner states since 1988, he has not asked for an appropriation and the fund has created millions of dollars for the grand list and to ask for it now when the fund is very low, it is not a big deal to the general fund. Councilman Pessina states it is cleaner coming from the Economic Development fund and down the road to come to us for an appropriation request. This is not the right time to do it when you have money in the fund. Maybe your suggestion to table it. . . when are they supposed to move in. Mr. Warner replies they are still working on generating their own funding. Councilman Pessina states you can't give us specific information and you are asking for money for that fund. Mr. Warner responds I am not here to debate you and it is up to the Council.

Councilman Klattenberg states we have resolution 11-1 to form the task force and his question is when he looks at item three that the task force will look at the following questions and a plan for implementation and many of these questions could be viewed as follow up questions to the original plan that was put together for the City; there are multiple ones. These questions could be natural follow-ups and it doesn't say that and does not make reference that there was a plan done in 1995 and another in 1998 and it doesn't say they are using a plan to address these questions. His concern was there was not a consultant to help with the development of the riverfront and are they starting from scratch. Mr. Warner responds the presentation he has been giving through the community groups is that in 2013, it should be the period of citizen involvement and should start with what we have done in the past. So that public process should start with that and once the committee is established, my recommendation would be to do that and the public input will start with what we have done before and what we have done in 2000 was fantastic. Councilman Klattenberg states he knows your department is losing one person. Mr. Warner responds Rick Kearney is retiring. Councilman Klattenberg asks who will

coordinate. Mr. Warner responds he would recommend bringing a facilitator for this process. Councilman Klattenberg asks if that should be added to the resolution. Mr. Warner responds that is up to the professional services committee; he believes the resolution covers that. Councilman Klattenberg states he is concerned about the manner this is taking shape; he thinks that so much work was done in the past and on one hand you don't want to start all over again, but build on the past and how will you do it with a small staff. Mr. Warner replies most of what they did was based on DOT doing a diamond interchange. It will be changing because DOT is not doing the diamond interchange and restricted access to access limited under Union Street, but he is comfortable with the resolution. Councilman Klattenberg asks how long it will take. Mr. Warner responds he doesn't know.

Councilwoman Kleckowski asks Mr. Warner how many jobs are anticipated for the Lubricants Company. Mr. Warner responds 35 to 50 jobs. Councilwoman Kleckowski asks what type. Mr. Warner responds high end and laboratory type jobs, a whole range. Councilwoman Kasper asks about the Riverfront Committee and what they will be doing specifically regarding zoning. Mr. Warner responds he doesn't see them drafting Planning and Zoning laws and he would do that with a consultant. We will take their report of the main uses and turn that into regulations. Councilwoman Kasper states her other concern is at some point does this cause prejudgment by committee members; when she served in Planning and Zoning, some members were advised to recuse themselves from votes and do you see that happening. Mr. Warner responds no I don't and the opinion had a case right on point. One of the issues that happens is the planning aspect. The Planning and Zoning Commission has two halves and not being on the committee for the planning would be wrong. They have a planning job and a zoning job.

The Acting Chair asks if there are more questions for this director. Hearing none, the Acting Chair recognizes Councilman Serra who requests to address questions to the Police Chief. He states it is a question on behalf of Councilwoman Bartolotta regarding the explanation of the overtime appropriation and the \$250,000 for replacement overtime. Chief McKenna states they are 60% through the year and have spent \$295,000 and last year they spent \$659,000 and the \$250,000 should get us through and they will save \$84,000 versus last year. He states people are out on Workman's Compensation and light duty and they won't see the real results with the new officers until next year. They have to go through the academy and training and for each officer that is retired, we lost one through injury.

The Acting Chair asks if there are other questions for this director; hearing none he recognizes Councilman Serra. Councilman Serra would like to acknowledge and congratulate Arthur Meyers, Director of Russell Library, our author; he saw an article in The Chronicle and offers congratulations to him.

Councilman Berch requests to address questions to Public Works Director William Russo. He asks Mr. Russo to explain about the improvements to the doors and wring for City Hall as you did so with the commission. Mr. Russo responds it is \$20,000 LoCIP and comes from a recommendation that there are 27 doors that were not done with the renovation and contain glass and we started training with the direction of the Police Chief and a lot of things have been implemented and that is one of the recommendations they had and the other part is for the renovations in the City Attorney's office with the three attorneys. Councilman Berch wanted it stated that they are working for the security of the public and the workers here in City Hall. Mr. Russo states the Police Chief and the Deputy are here and working with them and seeing the knowledge they bring is impressive. They are trying to make this place safer.

Councilwoman Bartolotta states you mentioned this will implement security; how many have not been addressed. Mr. Russo responds they gave him a list of priorities and this is one of them. The other stuff is in place and the changes are taking place like numbering windows and having plans and the security cameras. We have probably done 50%. Councilwoman Bartolotta asks if this will cover it. Mr. Russo responds for this yes. Councilwoman Bartolotta asks what about the others. Mr. Russo replies some are done in-house and he is working with Bill Oliver and IT. The doors are \$600 each and there are 27 of them.

Councilwoman Kleckowski asks Mr. Russo about the measures and are they near the Tax Collector. Mr. Russo replies yes and the Parking Department is working on some of the measures. On Friday, they worked with a firm and got the ideas from the Tax Collector and the firm and they will have the cost at the end of the week.

The Acting Chair asks for other questions for this director; hearing none, he asks for a motion to adjourn.

Councilwoman Bartolotta is recognized and thanks the public for showing their respect at the passing of her father.

Meeting Adjourns

Councilwoman Kasper moves to adjourn; her motion is seconded by Councilman Pessina. The Acting Chair calls the vote and it is unanimous with nine aye votes to adjourn. Council Members Serra, Daley, and Bibisi are not in the chamber for this vote. The Acting Chair declares the meeting adjourned at 6:53 p.m.

ATTEST:

MARIE O NORWOOD
Common Council Clerk